

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

In re:

Circuit City Stores, Inc. *et. al.*,

Debtors.

Chapter 11

Case No. 08-35653-KRH

Jointly Administered

**RESPONSE OF TKG COFFEE TREE, L.P. TO DEBTORS' TENTH OMNIBUS  
OBJECTION TO CERTAIN DUPLICATIVE CLAIMS**

TKG Coffee Tree, L.P. ("TKG") files this Response to Debtors' Tenth Omnibus Objection to Certain Duplicative Claims (the "Objection") and, in support thereof, states as follows:

1. In the Objection, Debtors objected to claim numbers 12505, 13000, and 8317 filed by TKG as being duplicative (the "Objected Claims"). Debtors contend that claim number 12505 is duplicative of claim number 12578; claim number 13000 is duplicative of claim number 13010; and claim number 8317 is duplicative of claim number 9236. In the Objection, Debtors further provide that claim numbers 12578, 13010, and 9236 are surviving claims (the "Surviving Claims", and collectively with the Objected Claims, the "Claims").

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*Co-Counsel for TKG Coffee Tree, L.P.*

2. At issue is where the proper place to file claims is, whether the claims should be filed with Kurtzman Carson Consultants (“KCC”) or with the Court. On the one hand Debtors appear to assert that the proper place to assert claims is with KCC, because Debtors objected to claim nos. 13000 and 8317 that were filed with the Court. On the other hand Debtors appear to assert that the proper place to file claims is with the Court, because Debtors objected to claim no. 12505 that was filed with KCC. Of the Surviving Claims, claim nos. 9236 and 12578 were filed with KCC, and claim no. 13010 was filed with the Court.

3. TKG requests that Debtors’ objections to the Objected Claims be overruled. TKG would be prejudiced if Debtors’ objections to the Objected Claims were sustained because the Objected Claims were filed in the wrong place, and then have Debtors subsequently challenge the Surviving Claims on the grounds that the Surviving Claims were filed in the wrong place.

4. TKG’s attempts to meet and confer with Debtors regarding the Claims have been ignored. Until TKG gets confirmation from Debtors that the Surviving Claims have been filed in the proper place, and that Debtors will not object to the Surviving Claims on the basis of where the claims were filed, TKG requests that Debtors’ Objection as to the Objected Claims be overruled.

### **NOTICE**

5. Notice of this Response will be given to (i) counsel to Debtors, (ii) the Office of the United States Trustee for the Eastern District of Virginia, Richmond Division, and (iii) all parties that have requested notice of papers pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure. TKG submits that no other or further notice of this Response is required.

**WAIVER OF MEMORANDUM OF LAW**

6. TKG respectfully requests that this Court treat this Response as a written memorandum of points and authorities or waive any requirement that this Response be accompanied by a written memorandum of points and authorities as described in Rule 9013-1(G) of the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Virginia.

WHEREFORE, for the reasons stated herein, TKG respectfully requests that this Court deny Debtors' objection to claim nos. 12505, 13000, and 8317, and grant such other and further relief as the Court deems just and proper.

Dated: June 29, 2009

**TKG COFFEE TREE L.P.**

**By: /s/ Ann K. Crenshaw**

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*Co-Counsel for TKG Coffee Tree, L.P.*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Response of TKG Coffee Tree, L.P. to Debtors' Tenth Omnibus Objection to Certain Duplicative Claims was sent on this 29<sup>th</sup> day of June, 2009, to all creditors and parties-in-interest who are included in the United States Bankruptcy Court's ECF e-mail notification system.

/s/ Ann K. Crenshaw